

OPEN SPACE COUNCIL
March 6, 2019
9:00 a.m.
Legislative Hall
Senate Hearing Room, Second Floor
Dover, Delaware

ATTENDANCE

Council Members:

John R. Schroeder, Chairperson
Rep. Gerald Brady
Sen. Bruce Ennis
Paul Boswell, Esq
Lorraine Fleming
Wayne Holden
David Humes
Dorothy Leventry

Advisory To:

Shawn Garvin, DNREC, Secretary – present

Ex-Officios:

Ray Bivens, State Liaison Officer, LWCF, DNREC

Staff:

David Saveikis, DNREC, Director, Fish & Wildlife
Matt Chesser, DNREC, Parks & Recreation
Elena Stewart, DNREC, Parks & Recreation
Austin Short, DDA
Michael Valenti, DDA, Delaware Forest Service
Kyle Hoyd, DDA, Delaware Forest Service
Craig Rhoads, DNREC, Fish & Wildlife
Patrick Emory, DNREC, Director, Community Services
Kerri Yandrich, DNREC, Fish and Wildlife
Kristin Barnekov-Short, DNREC Chief of Staff
Lisa Borin-Ogden, DNREC, Deputy Secretary
Tim Byan, DNREC, Parks & Recreation
Kim Cole, DNREC, Delaware Coastal Programs

Visitors:

Christine Schultz, Parkowski, Guerke & Swayze, P.A.
David Carter, New Castle Councilman

I. Call to Order/Introductions/Announcements

John Schroeder, Chairperson, called the March 6, 2019 Open Space Council (OSC) meeting to order. He welcomed Council members, staff and visitors. John asked whether we would like to postpone June's meeting until July in order to know for certain whether Open Space will get the \$10M proposed in the Governor's FY20 budget. It was decided that since there was no indication the funding would be appropriated elsewhere to keep the June meeting as scheduled. David Humes indicated that he would not be available at the June meeting. As was decided in the December meeting, the 2019 OSC meetings have been moved back to Wednesdays. Meetings had been moved to Fridays in 2018 to accommodate David Shepphard's schedule, who would not be able to attend meetings on Wednesdays. Secretary Garvin told the OSC that the first Friday of the month was the day that all Cabinet Secretaries have their in person meeting with the Governor so he and Secretary Scuse would not be available on Fridays. It was decided to keep the 2019 OSC meetings on Wednesdays to accommodate the Cabinet Secretaries schedules.

II. Minutes of December Meeting

The minutes of the December 7, 2018 were unanimously approved.

III. Financial Report

Elena Stewart presented the financial report:

Open Space Program Fund Outlook			
2/25/2019			
Date Committed	Current Projects	Amount	Agency
12/6/2017	JGR, LLC (NVF)	\$300,000	Parks
12/6/2017	Selby	\$425,000	F&W
4/6/2018	Misphillion Harbor	\$300,000	F&W
7/20/2018	Cooch	\$885,000	HCA
7/20/2018	Kaiser	\$300,000	HCA
7/20/2018	Burrows	\$1,100,000	F&W
9/14/2018	Geffon	\$475,000	Parks
9/14/2018	Hudson	\$250,000	Parks
12/7/2018	Maroney	\$0	Parks
12/7/2018	Reynolds/ Cooch	\$1,350,000	Parks
12/7/2018	Hawke/ Oval Lawn	\$900,000	F&W
12/7/2018	Troyer	\$390,000	F&W
12/7/2018	Jones	\$7,000	F&W
12/7/2018	Benson	\$1,050	F&W
12/7/2018	Starr	\$0	F&W
12/7/2018	Shore	\$9,500	F&W
12/7/2018	Del-Homes	\$22,200	F&W
12/7/2018	Banning/ Plummer	\$175,000	DFS
	Total	\$6,889,750	
Available Funds 2/23/19			\$9,723,484
Current Commitments			\$6,889,750
Current Balance			\$2,833,734
Possible "hold off" projects			\$721,700.00
Possible balance			\$3,555,433.71

Elena indicated that due to funding and the projects that are being proposed in Executive Session, certain projects that are stalled are greyed out on the funding sheet in order to “hold off” those projects and fund other projects instead.

IV. Old Business

A. Completed projects

1. ABC Woodlands – Delaware Forest Service
Redden State Forest
\$1,835,000; 537.18 acres
2. Masten Property – DNREC, Fish & Wildlife
Milford Neck Wildlife Area
\$260,000; 57.80 acres
3. Hamonko Property – DNREC, Fish & Wildlife
Blackiston Wildlife Area
\$55,000; 22.07 acres
4. Cafini Property – DNREC, Fish & Wildlife
Eagles Nest Wildlife Area
\$390,000; 26.08 acres
5. Thornton Property – DNREC, Fish & Wildlife
Blackiston Wildlife Area
\$60,000; 7.12 acres
6. Evans Property – DNREC, Fish & Wildlife
Cedar Swamp Wildlife Area
\$200,000; 0.09 acres
7. Laurel Redevelopment Corporation Property
Records Pond
Donation; 0.4 acres

V. New Business

- A. Lorraine Fleming expressed the concern voiced to her from the League of Women Voters about HB 32, which was sponsored by Rep. Mike Ramone. This Act would decrease by 1% the rate of realty transfer tax to be received by the State, thereby returning to the rate that was applicable prior to August 1, 2017. Secretary Garvin said that he did not think this would affect the funding for the Open Space Program as the Governor has committed to \$10M for both the Open Space and Agricultural Preservation programs. Sen. Ennis commented that this bill had not yet made it to the Senate.
- B. Public Comments
David Carter, New Castle County (NCC) Councilman, said that he continues to work with the administration of NCC on land preservation efforts in NCC. He is hoping for a workshop in the near future. He also shared a matrix on how he viewed current programs fitting together¹. Councilman Carter is interested in having a statewide workshop on how land use regulations, specifically zoning,

¹ Matrix and process documents attached to these minutes.

the Open Space Program and the Agricultural Preservation Program could work together to protect more land. John added that he appreciated the comments and offered the support of the Open Space Council on his efforts. Sec. Garvin noted that the purpose of the Open Space Program was not anti-development but it did seek to conserve our natural resources.

VI. Executive Session

A. Discussion of Site Acquisitions

VII. Open Session

A. Council Project Recommendations

1. BF3 LP Property, DNREC, Parks & Recreation

White Clay Creek State Park

Rep. Brady made the motion to approve up to \$2,730,302 for the acquisition of up to 34 acres of the BF3 LP Property in Newark. Elena clarified the final purchase price would be determined by a survey; the appraiser determined the value to be \$80,303 per acre. Lorraine Fleming seconded the motion. Wayne Holden and Sen. Ennis voted against the motion. With six votes for the motion and two votes against the motion, the motion carried.

2. Reynolds/ Cooch Properties, DNREC, Parks & Recreation

Auburn Valley State Park

Paul Boswell made the motion to approve an additional \$50,000 towards the acquisition of the Reynolds and Cooch Properties to complete the project. Dorothy Leventry seconded the motion. The motion was unanimously approved.

3. Phillips/ Leon Property, DNREC, Fish & Wildlife

Paul made the motion to approve up to \$455,000 for the acquisition of the Phillips/ Leon Property contingent upon the grant being approved. Rep. Brady seconded the motion. David Humes voted against the motion. With seven votes for the motion and one vote against the motion, the motion carried.

4. Silver Run Electric Property, DNREC, Fish & Wildlife

David made the motion to accept the donation of the Silver Run Electric Property. Lorraine seconded the motion. The motion was unanimously approved.

5. Glatfelter Property, Delaware Forest Service

David made the motion to approve up to \$110,000 for the acquisition of the Glatfelter Property. Dorothy seconded the motion. The motion was unanimously approved.

Next Meeting Date/Adjournment

The next meeting of the Open Space Council is scheduled for June 5, 2019 in Legislative Hall, Second Floor, Senate Hearing Room, Dover, DE 19901, starting at 9:00 a.m.

John thanked everyone and asked for a motion to adjourn.